

REMARKS

Status of Application

Claims 1-25 are the claims that have been examined in the application. Claims 1, 4-7, 10-13, 15-17, 19-22 and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kano. Claims 2, 3, 8, 9, 14, 18, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17 and 22, above in view of Yanagita et al., “Yanagita”.

Claim Rejections - 35 USC § 102

Claims 1, 4-7, 10-13, 15-17, 19-22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kano.

The Examiner provides the same basic rejection of independent claim 1 as was provided in the previous Office Action, dated May 15, 2008. Therefore, the following comments are mainly directed toward the Examiner’s Response to Arguments, found on page 21 of the December 10, 2008 Office Action.

In response to Applicant’s argument that Kano fails to disclose the correction means recited in claim 1, as well as the judgment means recited in claim 1, the Examiner argues that FIG. 2, page 454, column 2 of Kano anticipates both the claimed judgment means and the claimed correction means. Specifically, the Examiner alleges that the search of ROIs for local matching anticipates the judging means, as the search of ROIs allows for proper density distributions to be recovered from improperly exposed radiographs, further allowing for consistent density and contrast in temporally sequential chest images. The Examiner also alleges the nonlinear density correction to adjust the density and contrast in the two digitized images anticipates the claimed correction means.

Applicant submits that neither the judgment means nor the correction means claimed in claim 1 are anticipated by Kano. First, the correction means claimed in claim 1 recites “a correction means for correcting an image which has been judged to have undergone image processes, to correct the image to a state equivalent to its original state prior to the image processes, based on the image processing condition data attached thereto.” As noted in the Response dated August 15, 2008, the nonlinear density correction (“warping”) does not return the images to a state equivalent to its original state, but merely adds another layer of image correction to the digitized images. See page 454, col. 2 (“A nonlinear density correction ... is applied as a preprocessing”). Kano fails to disclose, explicitly or implicitly, that the chest images are corrected back to a state equivalent to its original state prior to the image processes at any point during the method disclosed therein, and specifically, before image subtraction is performed. Rather, as noted on page 456 of Kano, the warping is maintained throughout the image subtraction process. Thus, the image is never corrected back to a state equivalent to its (own) original state. Any processes of Kano simply match a warped and non-warped image but in neither situation does a particular image revert to its original state.

Second, the judgment means claimed in claim 1 recites “a judgment means for judging whether the two images have undergone image processes, based on the process confirmation data attached to each of the two images.” The Examiner alleges that the search of ROIs for local matching anticipates this claim element. However, the search of the ROI merely indicates that corresponding elements are determined between two images, not that the images are judged as to whether the images have undergone image processes. Further, since EVERY image in Kano undergoes some sort of image processing (at least the nonlinear density correction), there is no need to judge whether images have undergone image processing, and Kano fails to disclose,

explicitly or implicitly, the recited judging means, based on confirmation attached to the images. The processes of Kano further do not operate based on data attached to the image. The process data can simply overwrite prior data without the claimed attached data.

Therefore, for the reasons noted above, as well as those noted in the Response filed August 15, 2008, claim 1 is patentable over the applied art.

Claims 7, 13, and 17 recite similar elements to claim 1, and are patentable for reasons analogous thereto. Claims 4, 10, 15, 19, 21, 22 and 25 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 USC § 103

Claims 2, 3, 8, 9, 14, 18, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17 and 22, above in view of Yanagita et al., "Yanagita".

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are dependent from claims 1, 7, 13 and 17, respectively. Because Kano fails to disclose all of the aspects of claims 1, 7, 13 and 17 and because Yanagita fails to cure the deficient disclosure of Kano, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: April 10, 2009

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